

CHAPTER 728

H.B. No. 2665

AN ACT

relating to filing of lawsuits by and against the Texas Low-Level Radioactive Waste Disposal Authority and the selection of the submittal of a license application for a disposal site by the Texas Low-Level Radioactive Waste Disposal Authority and the review of the application by the Texas Department of Health.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 402.029, Health and Safety Code, is amended to read as follows:

Sec. 402.029. SUITS. (a) The authority, through the board, may sue and be sued in the name of the authority in any court of this state, *except as to matters pertaining to the site selection and licensing of a disposal facility within the geographical area of Hudspeth County, Texas, described in Section 402.0921, which suits may only be brought in the courts of Travis County, Texas.*

(b) In a suit against the authority, citation may be served on the general manager.

(c) *Any judgment, injunction, declaration, or writ issued against the authority by a Texas court other than the supreme court of Texas that is related to the site selection or licensing of a disposal facility within the geographical area of Hudspeth County, Texas, described in Section 402.0921 shall be automatically suspended upon the filing by the authority of a notice of appeal or other submission to a higher court challenging the judgment, injunction, declaration, or writ. No Texas court other than the Texas supreme court shall have any power to decline or otherwise affect the automatic suspension pending appeal in such case related to Hudspeth County, Texas.*

SECTION 2. Chapter 402, Health and Safety Code, is amended by adding Section 402.059 to read as follows:

Sec. 402.059. POWER TO ENTER PROPERTY. (a) *The authority, its employees, contractors, and agents may enter public or private property to assess the suitability of land for a disposal site in Hudspeth County, Texas.*

(b) *Prior to entering the property, the authority shall give written notice to the landowner of the purpose, extent, types of assessment activities to be conducted, and probable duration of the entry, and shall cooperate with the landowner to minimize, insofar as possible, any inconvenience to the landowner.*

(c) *The authority shall be liable to the landowner for reasonable damages to the land that may result from the authority's activities.*

(d) *This section applies to property located in whole or in part in the geographical area of Hudspeth County, Texas, specified in Section 402.0921 of this chapter.*

SECTION 3. The Health and Safety Code is amended by adding Section 402.0921 as follows:

Sec. 402.0921. SITE AREA. *Notwithstanding any other law or other provision of this chapter, the board shall select as the disposal site, a site:*

(1) *within Hudspeth County, Texas, and*

(2) *circumscribed on the north by 31 degrees north latitude, 15' and 00"; on the south by 31 degrees north latitude, 00' and 00"; on the east by 105 degrees longitude, 00' and 00"; and on the west by 105 degrees longitude, 22' and 30".*

SECTION 4. Chapter 402, Health and Safety Code, is amended by adding Section 402.0922 to read as follows:

Sec. 402.0922. EMINENT DOMAIN. *The authority may acquire land for a disposal site within the geographical area described in Section 402.0921 by condemnation and in accordance with Chapter 21 of the Property Code.*

SECTION 5. Section 402.152, Health and Safety Code, is amended to read as follows:

Sec. 402.152 APPLICATIONS FOR LICENSES AND AUTHORIZATIONS. (a) The authority shall submit to each federal and state agency from which it must obtain licenses and other types of authorization to construct and operate a disposal site the necessary applications and information to obtain those licenses and authorizations.

(b) *Notwithstanding any other law or other provision of this chapter, the authority shall submit to the appropriate state and federal agencies an application to construct and operate a disposal site located within the geographical area described in Section 402.0921.*

(c) *The authority shall maintain such field offices and conduct such studies and activities as necessary to provide information required to support the license application for a disposal site located within the geographical area described in Section 402.0921.*

(d) *The department shall complete its review of the completeness and administrative sufficiency of the application within 30 days of receipt of the application from the authority. The authority shall promptly respond to the department's requests for additional documentation or other information in order for the department to complete its sufficiency review of the application. If the department does not inform the authority within 45 days of receipt of the application that the application is administratively sufficient, the application is presumed to be administratively sufficient.*

(e) *The department shall:*

(1) *complete all activities associated with the review and processing of an application, including the publication of an environmental assessment, if required, but excluding public hearings, and either propose to issue or deny a license for the operation of the site no later than 15 months after the date that the application is declared or presumed to be administratively sufficient; and*

(2) *give priority to the review of the application over all other radioactive materials and waste licensing and registration matters pending before the department.*

SECTION 6. This Act takes effect September 1, 1991.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 17, 1991, by a non-record vote; the House concurred in Senate amendments to H.B. No. 2665 on May 26, 1991: Yeas 105, Nays 26, 1 present, not voting; passed by the Senate, with amendments, on May 25, 1991, by a viva-voce vote.

Approved June 16, 1991.

Effective September 1, 1991.

CHAPTER 729

H.B. No. 2674

AN ACT

relating to the Tenth Court of Appeals District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 22.211, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The Court of Appeals for the Tenth Court of Appeals District shall be held in the City of Waco or in the county seat of any county located within the Tenth Court of Appeals District.